

## REMARKS

Claims 1-10 and 14-19 are pending in this application. In the Office Action, Claims 1, 2, 5, 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Appl. Publication No. 2002/0080864 of Kuttruff et al. in view of U.S. Patent No. 6,972,662 to Ohkawa et al.; Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kuttruff et al. in view of Ohkawa et al. and further in view of U.S. Patent Appl. Publication No. 2004/0198233 of Pratt et al.; Claims 6, 7, 16, 17, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kuttruff et al. in view of Ohkawa et al. and further in view of U.S. Patent Appl. Publication No. 2005/0215280 of Twitchell Jr.; Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kuttruff et al. in view of Ohkawa et al. and further in view of Twitchell Jr. and still further in view of U.S. Patent No. 6,172,518 to Jenkins IV et al.; Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kuttruff et al. in view of Ohkawa et al. and further in view of Twitchell Jr. and still further in view of “Applicant’s Admitted prior art” (“APA”); and Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kuttruff et al. in view of Ohkawa et al. and further in view of Twitchell Jr. and still further in view of Pratt et al.

Claims 1, 6, 7, 14, 16 and 18 are the pending independent claims in this application.

In regard to independent Claims 1, 7, 14 and 18, Kuttruff et al. fails to disclose the recitation of a memory portion for storing the RFID data together with mobile terminal protocol data of Claims 1, 7, 14 and 18. At page 2 of the Final Office Action, it was alleged that ¶056 of Kuttruff et al. teaches “storing protocol data which represents criteria for changing over transmission and the RFID data for controlling the modulators, encoders, and decoders are stored

in the EEPROM.” To the contrary, nowhere in ¶056 or elsewhere does Kuttruff et al. disclose storing RFID data together with mobile terminal protocol data. ¶056 of Kuttruff et al. teaches storing on an EEPROM criteria that is needed “for a changeover of transmission method,” in which the transmission method will vary depending upon closeness of an associated write/read device. In addition, it was incorrectly alleged at page 3 of the Office Action that an RFID reader is disclosed at ¶031 of Kuttruff et al.

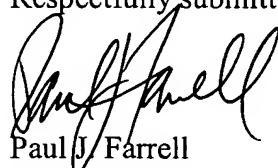
The “criteria for a changeover of transmission method” disclosed in ¶056 of Kuttruff et al. refers to data required to select between “signals of different standards [which] normally differ with respect to the modulation and/or the encoding.” (¶055 of Kuttruff et al.) At ¶052, Kuttruff et al. explains that its transmission standard will change “[d]epending upon how close the chip card is to the write/read device.” Accordingly, the increased amount of encoding and other data associated with the various transmission standards must be stored on the EEPROM of Kuttruff et al., which teaches away from a memory portion that stores RFID data together with mobile terminal protocol data, as in Claims 1, 7, 14 and 18.

In regard to independent Claims 6, 7, 16 and 18, the cited reference of Twitchell Jr. is not prior art. Twitchell Jr. was filed as a PCT application and has a 35 U.S.C. § 371 date and 35 U.S.C. § 102(e) date of November 12, 2004, which is after the February 12, 2004 filing date of this pending application. Accordingly, it is requested that the rejection based on Twitchell Jr. be withdrawn.

For at least the above reasons, Claims 1, 6, 7, 14, 16 and 18, as well as dependent claims, i.e. Claims 2-5, 8-10, 15, 17 and 19, are believed to be in condition for allowance.

Accordingly, it is respectfully submitted that all pending claims, namely Claims 1-10 and 14-19 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, it is requested that the Examiner contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

The Farrell Law Firm  
333 Earle Ovington Blvd., Suite 701  
Uniondale, New York 11553  
Tel: (516) 228-3565  
Fax: (516) 228-8475

PJF/JFG/kl